

Information for Commercial or Educational Photography and Filming of Polar Bears



General Considerations

This information is intended for any individual, group, or organization that is interested in opportunities to photograph or film polar bears in Alaska for educational or commercial purposes, hereafter referred to as “commercial photography.” This includes professional photographers, film-makers, journalists, TV crews (news, documentaries, reality TV, etc.), and their sub-contractors. Our goal is to provide information that will help you determine whether your activity is likely to result in disturbance to polar bears, and if so, how to obtain a permit for your activity.

Viewing, photographing, or filming polar bears is an inherently risky activity. Each individual is responsible for their own conduct and safety. Additionally, because polar bears are federally protected under both the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), it is important to understand that your actions must avoid violating the protection provided to polar bears under these laws. For example, the MMPA includes prohibitions on disturbing polar bears; this means that anyone encountering a polar bear is required to conduct themselves in a manner that avoids changing the behavior of that animal.

Contact Information

Prior to initiating the permit process, please contact U.S. Fish and Wildlife Service, Public Affairs Specialist Andrea Medeiros at 907-786-3695, andrea_medeiros@fws.gov.

Permit Requirements

People who wish to conduct commercial photography may seek a permit from the U.S. Fish and Wildlife Service (FWS) that authorizes an exception to the protections provided by the MMPA, as long as: 1) their activity will not potentially injure a polar bear(s), and 2) the end products will be made available to the public. Any activity that has the potential to injure or kill a polar bear, such as commercial photography at den sites, is not permissible.

If your activity can be conducted in a manner such that the bear(s) remains completely unaware of you, a permit may not be required. This is likely to occur only when working under the direction of a knowledgeable polar bear guide, researcher, or manager who follows the practices described in the *Viewing Guidelines for Polar Bears* and *Arctic Refuge: Best Practices for Polar Bear Viewing* (Attachments 1 and 2).

If your activity has the potential to disturb a polar bear(s), a photography permit is required. **Any change in the polar bear's natural behavior in response to your presence can be considered a disturbance.**

Because commercial photography is conducted for professional purposes, it typically requires more effort, e.g., a longer observation period, than recreational polar bear viewing, and therefore, is more likely to result in disturbance to polar bears. A permit for commercial photography would authorize the permittee to conduct their activity in a manner that could result in minor disturbances, e.g., momentary disruptions to a bear's feeding or resting behavior, as long as they are non-injurious to the bear(s).

Examples of commercial photography activities that have the potential to disturb polar bears include:

- Photographer(s) is operating independently, e.g., unaccompanied by an experienced guide, researcher, or polar bear manager
- Activity occurs in remote areas where polar bears are unlikely to be habituated to humans, e.g., on sea ice habitat away from human settlements
- Activity involves targeting a specific sex/age class of bear(s), e.g. a family group
- Activity involves > 1-2 approaches to/departures from a bear use area
- Activity involves use of an ATV(s) or snow machine(s)
- Activity involves use of > 1 conveyance (boat, car or truck) at one time
- Activity involves multiple (> 1-2) re-positionings of the conveyance (boat, car or truck)
- Activity involves getting out of vehicle or boat
- Activity involves use of spotlight(s) at night
- Activity involves use of aircraft, including unmanned aerial systems (e.g., drones).

Without a commercial photography permit, you will be required to conduct your activity in the same manner as any member of the public who is recreationally viewing polar bears, with no allowances for disturbance (i.e., causing disturbance would be a violation of the MMPA).

Obtaining a MMPA Commercial Photography Permit

A permit application can be obtained at: www.fws.gov/international/permits/by-species/marine-mammals.html, or by calling the U.S. Fish and Wildlife Service's **Division of Management Authority at 1-800-358-2104 or 703-358-2104.**

The applicant will be required to provide a detailed description of the proposed activity, including: project location, duration and intent; purpose and justification; estimated number of bears that the applicant intends to photograph, and estimated number of other animals that may be affected (including other species); efforts that will be taken to avoid disturbance; and the

names and qualifications of all people that will be present during the commercial activity, including commercial service providers, e.g., guides.

Submit your application to:

U.S. Fish and Wildlife Service
Division of Management Authority (DMA)
Branch of Permits, MS: IA
5275 Leesburg Pike Falls Church, VA 22041-3803

Please allow a minimum of 90 days to process the permit.

Other Considerations

A. *Land ownership*

While the MMPA photography permit provides authorization for a limited number of polar bear disturbances, it does not address other legal requirements that may apply to your project. Each permittee is responsible for ensuring that their activities comply with *all* local, state, or federal laws that may apply. **An important first step is identifying who owns the lands or waters where you intend to work, and the specific laws and access requirements that apply to that area.** Below are common examples of landowner requirements that may apply to photographing and filming polar bears for commercial purposes around Barter Island, Alaska.

Arctic National Wildlife Refuge: The lagoon waters surrounding Barter Island are managed by the Arctic National Wildlife Refuge and provide access to polar bears resting on nearby barrier islands. A special use permit is required for any commercial activity that occurs on Arctic Refuge. A \$100.00 permit fee, along with liability insurance and bonding, will be required. News gathering organizations may be exempt from these permit requirements. Permit processing time can take up to 45 days. An application and instructions can be obtained at: www.fws.gov/refuge/arctic/CVPpermits.html or telephone 1-800-362-4546.

A land status map is available at the following link:
<https://fws.maps.arcgis.com/apps/webappviewer/index.html?id=3eed8d6b30ea443d4fe4380d70d0fa5e>

Tribal or privately owned lands: Permission to access private and/or tribal lands is required. In the Kaktovik area, please contact the Kaktovik Inupiat Corporation Lands Manager at 907-640-6120.

U.S. Air Force: The United States Air Force may support documentary, television, film, streaming media, video game and music video productions via the Air Force Entertainment Liaison Office. Since the bone pile at Kaktovik is on U.S Air Force lands, access to that area requires a commercial filming permit. Permit processing can take > 30 days. A Production Support Request form and further information is available at: www.airforcehollywood.af.mil or telephone 310-235-7511.

North Slope Borough: Commercial photography and filming requires a permit if conducted within the North Slope Borough. Permit processing can take a minimum of 30 days; a permit fee is required; the amount of the fee depends on the type of activity. An application and instructions are available at: www.north-slope.org/departments/planning-community-services/applications-and-forms; see Form 200 – Commercial Recreation Permit Application. For further information, please contact Department of Planning and Community Services at 907-852-0320.

City of Kaktovik: Filming of individuals, their private property, or subsistence activities such as whale hunting/harvest is generally prohibited without prior consent from the affected party. To obtain additional information, please contact the City Administrator at 907-640-6317 or email admin@cityofkaktovik.org.

Bureau of Land Management: For commercial activities that involve photographing polar bears on BLM land, please contact the Fairbanks District Office at 907-474-2200, and see the following links: www.blm.gov/nhp/what/commercial/filming/permit.html, and www.blm.gov/programs/lands-and-realty/leases-and-permits/filming-on-public-lands/film-permitting-process.

State of Alaska: For commercial activities that involve State of Alaska lands or waters, please contact the Department of Natural Resources, Division of Mining, Land and Water, Northern Region at 907-451-2740.

B. Community outreach

If you are proposing to conduct your activity in or around a subsistence-based community such as Kaktovik, it is strongly recommended that you contact the City and/or tribal government to ensure that your activity avoids interfering with subsistence activities such as whaling. You may be asked to present your project to a City or Tribal Council prior to initiating your activity. For more information, please contact:

Native Village of Kaktovik
P.O. Box 8
Kaktovik, Alaska 99747

Telephone: 907-640-2042

City of Kaktovik
P.O. Box 27
Kaktovik, Alaska 99747

Telephone: 907-640-6317

Thank you for your cooperation